

COMBINED DECLARATION, POWER OF ATTORNEY AND PETITION

I, the inventor,

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declare that I have reviewed and understand the contents of the attached specification and claims and I verily believe that I am the original, first and sole inventor or discoverer of the invention or discovery in

**APPLICATION OF BIOINFORMATICS FOR DIRECT
STUDY OF UNCULTURABLE MICROORGANISMS**

described and claimed in the attached specification; that this application discloses and claims subject matter disclosed in my earlier Provisional patent application of which I hereby claim the benefit under 35 U.S.C. § 119(e), Serial No. 60/235,095, filed 25 September 2000; that as to the subject matter of this application which is common to said earlier application; that I do not know and do not believe that this invention was ever known or used in the United States before my invention or discovery thereof; that to the best of my knowledge and belief the invention has not been in public use or on sale in the United States more than one year prior to my application, or patented or made the subject of an inventor's certificate in any foreign country prior to the date of my application on an application filed by myself or my legal representatives or assigns more than twelve months prior to my application in this country; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with 37 C.F.R. 1.56(a); and that no application for patent or inventor's certificate on this invention or discovery has been filed by me or my legal representatives or assigns in any country foreign to the United States, except as follows:

None

POWER OF ATTORNEY

I hereby appoint the following attorneys to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

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PETITION

Wherefore I Pray that Letters Patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and I hereby subscribe my name to the attached specification and claims, Declaration, Power of Attorney and this Petition.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

John J. KILBANE, II